

REMARKS

Claims 21 and 23-52 are pending on this application. No claim amendments have been made herein.

Claims 21, 23-31, 33-38 and 40-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” (“MQSeries”). Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of U.S. Patent No. 5,995,921 to Richards *et al.* (“Richards”). Claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of U.S. Patent No. 5,544,347 to Yanai *et al.* (“Yanai”).

Rejection of Claims 21, 23-31, 33-38 and 40-48 under 35 U.S.C. § 103(a)

Claims 21, 23-31, 33-38, and 40-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries. This rejection is respectfully traversed and reconsideration is requested. MQSeries fails to disclose each and every element of amended independent claims 21 and 42.

Claims 21 and 42 were previously amended to recite “at least one first logical router for determining whether the electronic message or request is simple or complex and routing the electronic message or request based upon that determination.” On page 3 of the Office Action, the Examiner asserts that MQSeries teaches this feature. The Examiner cites to pages 31 and 34 and asserts that “MVB4 receives message, determines whether to route it to MVB5 for further processing, or route the message directly.”

MVB4 does not route a message based on whether it is simple or complex. The Decision on Appeal likened MQSeries’s “batch” messages to complex messages and “non-batch” or “immediate” messages to simple messages. MVB4 does not route message based on whether the messages are batch or non-batch/immediate. Pages 31 and 34, as cited by the Examiner, do not support the assertion that MVB4 makes such a determination and routes accordingly. Indeed, MQSeries recites that MVB4 merely “demonstrates the distribution of a query message to a number of queues, whose names are obtained from a namelist.” Page 36. Further, MQSeries recites that “[t]he background processes (MVB2-5) are not aware of the difference between immediate and batch processing.” Page 33. In other words, MQSeries is explicitly stating that

MVB2, MVB3, *MVB4*, and MVB5 are not aware of the difference between immediate (simple) and batch (complex) messages. So MVB4 *cannot* determine whether to route a message to MVB5 based on a determination of whether the message is simple or complex.

Previously, the Examiner asserted that MVB2 taught the capability for determining simple and complex messages. Decision on Appeal, page 4. For the reasons discussed above with respect to MVB4, MVB2 cannot determine simple and complex messages, then route the messages based on that determination.

MQSeries does, in fact, determine whether a message is batch or non-batch, and handles those messages with a different priority. However, upon making the determination of batch or non-batch, those messages are all still routed to the same location. When the messages are received at that location, MQSeries must then address the priority handling of the immediate inquiries before the batch inquiries. “The user interface process selects between immediate and batch processing by specifying a different reply-to queue in the inquiry message. It also sends the inquiry messages with different priorities to make sure immediate inquiries are processed ahead of batch inquiries.” MQSeries, page 33. If the messages were routed to different locations based on that determination, then MQSeries would not have to address the priority handling.

Therefore, MQSeries fails to disclose each and every element of independent claims 21 and 42.

Accordingly, because the cited reference does not disclose all of the elements of independent claims 21 and 42, the Office has failed to establish the required *prima facie* case of unpatentability. Similarly, the Office has failed to establish a *prima facie* case of unpatentability for claims 23-31, 33-38, 40-41, and 43-48 depending on claims 21 and 42 and which recite further specific elements that have no reasonable correspondence to the references. Accordingly, the undersigned representative respectfully requests that the Office withdraw the rejection of claims 21, 23-31, 33-38, and 40-48.

Rejection of Claim 32 under 35 U.S.C. § 103(a)

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Richards. This rejection is respectfully traversed. Claim 32 is dependent upon claim 21, which is submitted to be allowable in view of MQSeries for the reasons set forth above. Accordingly, claim 32 should be allowable under MQSeries for these reasons as well. Further

arguments are reserved with respect to dependent claim 32. Richards does not cure the deficiencies of MQSeries. Because Richards does not teach or suggest the deficiencies of MQSeries, claim 32 is not obvious in view of the cited references and should therefore be allowed. Therefore, the undersigned representative respectfully requests that the Office withdraw the rejection of claim 32.

Rejection of Claims 39 and 49-52 under 35 U.S.C. § 103(a)

Claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai. This rejection is respectfully traversed.

Claim 39 is dependent upon claim 21, which is submitted to be allowable in view of MQSeries for the reasons set forth above. Yanai fails to cure the deficiencies of MQSeries. Therefore, MQSeries and Yanai, alone or in combination, do not teach or suggest the elements of claim 21 of the present application. Further arguments are reserved with respect to dependent claim 39. Because Yanai does not teach or suggest the deficiencies of MQSeries, claim 39 is not obvious in view of the cited references and should therefore be allowed.

With regard to claim 49, MQSeries fails to teach “at least one first logical router for determining whether the electronic message or request is simple or complex and routing the electronic message or request based upon that determination,” as discussed above with respect to claims 21 and 42. Yanai fails to cure the deficiencies of MQSeries. The Examiner relies on Yanai only for “data mirroring.” Indeed, Yanai is directed to maintaining a copy of a data storage disk and fails to teach routing different types of messages. Therefore, MQSeries and Yanai, alone or in combination, do not teach or suggest the elements of claim 49 of the present application.

Accordingly, because the cited reference does not disclose all of the elements of independent claim 49, the Examiner has failed to establish the required *prima facie* case of unpatentability. Similarly, the Examiner has failed to establish a *prima facie* case of unpatentability for claims 50-52 depending on claim 49 and which recite further specific elements that have no reasonable correspondence to the references. Accordingly, the undersigned representative respectfully requests that the Office withdraw the rejection of claims 49-52.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

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